

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:12-cr-0157-TWP-DML-1
)	
DESTINEE CRUTCHFIELD,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On Defendant Crutchfield, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on October 1, 2014. Defendant Crutchfield appeared in person with her appointed counsel, Bill Dazey. The government appeared by Winfield Ong, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Mark McCleese.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Crutchfield of her rights and provided her with a copy of the petition. Defendant Crutchfield waived her right to a preliminary hearing.
2. After being placed under oath, Defendant Crutchfield admitted the violations.
[Docket No. 55.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

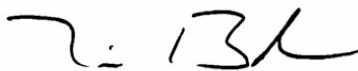
<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”</p>
2	<p>“The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.”</p>
3	<p>“The defendant shall refrain from any unlawful use of a controlled substance.”</p> <p>On September 8 and September 24, 2014, the offender tested positive for marijuana. Additionally, she tested positive for marijuana on May 2, May 23, and June 10, 2014, as previously reported to the Court. Ms. Crutchfield tested negative for illegal substances on August 7, 2014. The offender denied subsequent marijuana use; however, the September 8, 2014, test was confirmed by Alere Laboratories.</p>
4	<p>“The defendant shall participate in a substance abuse treatment program at the direction of the probation officer, which may include no more than eight drug tests per month. The defendant shall abstain from the use of all intoxicants, including alcohol, while participating in a substance abuse treatment program. The defendant is responsible for paying a portion of the fees of substance abuse testing and/or treatment in accordance with her ability to pay.”</p> <p>The offender failed to consistently participate in a substance abuse treatment program. On July 28, July 29, and September 22, 2014. Ms. Crutchfield called the treatment provider to reschedule counseling sessions; however, she failed to appear for the rescheduled sessions on August 18, and September 23, 2014.</p>
4.	<p>The parties stipulated that:</p> <ul style="list-style-type: none"> (a) The highest grade of violation is a Grade C violation. (b) Defendant’s criminal history category is I. (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months’ imprisonment.

5. The parties recommended a modification of her current supervised release conditions to include up to four (4) months of home confinement with electronic monitoring.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that her supervised release should be modified to include up to four (4) months of home confinement with electronic monitoring. Defendant is to continue with drug treatment counseling. The Defendant is to be released pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 10/15/2014



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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